

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/1686/HS2	David Auger	05/07/2020 22:25:44	OBJ	<p>Objection to Planning Application 2020/1686/HS2</p> <p>Application for approval under Schedule 17 of High Speed Rail (London - West Midlands) Act 2017 relating to the construction and use of extended railway sidings running alongside Mornington Terrace (Euston up Sidings) scheduled work no. 1/17.</p> <p>The Objector lives at 52A Mornington Terrace, London NW1 7RT opposite the site.</p> <p>Under the Schedule 17 procedures it is intended that the applicant has complied with the previous requirements of the Planning Regime applicable and the requirements High Speed Rail (London - West Midlands) Act 2017. The Act notes only a number of specific circumstances where permission cannot be granted. However, the basis of this objection is that the controls and protections described in the Hybrid Bill and related documents have not operated as intended and therefore it is unreasonable for the application to seek permission under Schedule 17.</p> <p>Further under the same legislation, the local authority does not have the authority to approve such an application and effectively authorise the works that have not complied with the planning requirements.</p> <p>Network Rail has acknowledged that the works to the sidings and to the access building on Mornington Terrace with the addition of an external staircase are related to HS2. This only occurred after a significant number of complaints and unanswered queries. [see Network Rail letter dated 4 July 2019].</p> <p>The applied for works are included within Schedule 1 however the sidings works in scheduled works No 1/17 and described in this application were not described or the impacts assessed in the Environmental Impact Assessment that accompanied the hybrid bill. Consequently individuals impacted by the proposals have not had an opportunity to comment on them and for their comments to be considered by the decision maker.</p> <p>Further given the construction of the sidings has been completed this application is for bringing into use and any element relating to construction is retroactive. Schedule 17 does not allow for consideration of comments in the manner described. An environmental impact assessment has not accompanied any of the planning documents.</p> <p>This objector has already been significantly impacted by the construction of the Sidings despite suggestions the impacts would be minimal. Further s61 applications and subsequent monitoring of construction noise was wholly inadequate with noise monitors located far to far away to be effective. The disturbances caused have already been raised as formal complaints following the HS2 and Network Rail complaints procedures however substantive responses are still outstanding.</p> <p>Planning Framework</p> <p>It is a fundamental part of the planning regime that individuals impacted by development have an opportunity to comment on proposals, their construction and the environmental impacts that result which may impact them. This is enshrined in European Directives and Human Rights legislation. Under the Environmental Impact Assessment (EIA) Directive (92/2011/EU) ("the EIA Directive"), decision making bodies are required to consider the environmental effects of projects when deciding whether or not they should be allowed to</p>

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proceed. The objective of the EIA Directive is to identify and assess the likely significant environmental effects of a project, with a view to informing the decision maker as part of the development consent process. In UK law this has been adopted within the planning regime with Part II of Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (S.I. 1999, No. 293), and so much of the information referred to in Part I of that Schedule as is reasonably required to assess the environmental effect of the works.

In the case of the HS2 Phase One Bill, the objectives of the EIA Directive, including that of supplying information, are achieved through the parliamentary process. Standing Order 27A requires that, when a Bill which authorises the carrying out of works is submitted for approval through the parliamentary process, it shall be accompanied by an Environmental Statement (ES) containing specified information. The ES is a document provided for the purpose of enabling Parliament to make an assessment of the likely impacts on the environment arising from the project. The ES also provides stakeholders and the public with a basis on which to make representations to Parliament, as appropriate, on the environmental impacts of the project. The rights to consultations are included with compliance with standing order 224A.

s20 of the Hybrid Bill grants deemed planning permission for the works authorised by it, which are described in Schedule 1 subject to the conditions set out in Schedule 17. Schedule 17 includes conditions requiring the following matters to be approved or agreed by local authority including Construction arrangements, plans and specifications and bringing into use requests.

Included in the wider controls to assist local authorities is a document to assist with planning entitled "HS2 context report" which includes a list of schedule 17 matters.

Application 2020/1686 details

The application relates to works described as "Work No. 1/17 - A railway siding (0.50 kilometres in length) commencing at a point 81 metres north-east of the junction of Stanhope Street with Granby Terrace passing north westwards and terminating at a point 60 metres south-east of the junction of Delancey Street with Mornington Terrace;"

There is no evidence that the works described in the application are actually included in works No 1/17.

Works not described in the Environmental Statement and during the Parliamentary Process

The works are not described in the Environmental Statement.

HS2 Information paper E1 notes in para 2.5 the impact of the controls described in the EMRs.

This will ensure that where EIA is legally required, works will not take place unless they have been assessed already as part of the ES or are subject to a further EIA and consent process.

HS2 has suggested the omission is due to the impacts not being significant.

The objector, on behalf of the Camden Cutting Group raised concerns on the Environmental Statement before

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the Examiners who reviewed compliance with standing orders as part of the Parliamentary Process on 20th October 2015.

It should be noted that the Agent for the Hybrid Bill on behalf of the Promoter, noted per the transcript para 208

MS GORLOV: The ES is indeed designed to reveal the environmental impact of proposed works. It must, therefore, reveal what the works are, assess their significance and report on those that are materially significant, and, in the case of the amendments, if they effect material changes.

Further Peter Miller the HS2 Environment Director noted on behalf of the Promoter per para 216

216. The Promoters' submission is that the supplementary environmental statement 2 (SES 2) and additional provision 3 environmental statement (AP3 ES) comply with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and Standing Order 27A and that none of the complaints made by the Camden Cutting Group is substantive.

It follows that even if the impacts were not significant, the works should still have been included possibly albeit briefly and they were not and therefore the works were not part of an Environmental Impact Assessment. Consequently permission under schedule 17 cannot be granted as to do so would breach the planning rules regarding environmental impact assessments, the reporting and the consultation.

In regard to operation the Environmental Statement notes the following (the objectors underline):

"14.4 Operational effects arising during Stage B1 construction and operation (2026–2033) and operation (2033 onwards)

Local assumptions and limitations

Local assumptions–service pattern

14.4.1 The effects of noise and vibration from the operation of the revised scheme have been assessed based on the highest likely train flows, including the HS2 Phase Two services. Trains are expected to be 400m long during peak hours and a mix of 200m and 400m long trains at other times. The assessment assumes that there will be no changes to the timetables and other characteristics of the conventional trains operating into and out of Euston station."

However with the reduction of sidings capacity elsewhere, plus the addition of new requirements (for the longer trains) the use of the sidings is undoubtedly going to increase. The assumption is flawed.

During the Parliamentary process there was no reference to the works in the Petition Response Documents or the Promoter's exhibits before the Select Committees in both houses despite other works with similar impacts being included.

Environmental issues and Environmental Impact Assessment on the Operations of the sidings.

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The application includes a noise assessment. This is flawed.

1. It only assumes types of trains of the longer length but not other trains that may use the sidings with more frequency.
2. It does not include the impacts of diesel trains.
3. It does not consider the issue that with the lengthening of the sidings the trains will be significantly closer to the objectors property previously at least 10m further south and now almost opposite.
4. It does not include the number of trains or the duration of trains which will contribute to the noise environment. Calculations of noise levels using averages dBeq will be flawed.
5. The noise assessment does not include the use of maximum noise levels that the general HS2 noise assessments said were appropriate for operational noise if not construction noise.

There is no assessment of air quality impacts.

1. The use of diesel trains has not been included in any assessment however diesel trains do use the station and may use the sidings. These will contribute to air pollution.
2. Electric trains still use diesel generators for ancillary equipment and particularly the air system associated with the brakes. These generate fumes which are not considered. The increased frequency of use will result in increased pollution.

There is no community assessment of the type used in the general HS2 EIA and described in the Environmental Statement.

There has been no opportunity to consider the environmental issues and comment. The ability to do so in the context of this application is flawed since the rules relating to this application the comments cannot be considered in the procedures set out in the Bill. As stated above this is flawed in the absence of a proper EIA and statement that describes the works ie the sidings extension, the methodology and the assessed impacts.

The suggestion that this has been done and is no worse than described in the SES2 and AP3 statement is flawed since it was omitted rather than being assessed and not exceeded. It is also flawed in that the assessment carried out for this application was only for noise and for the reasons set out above.

Conclusion

The planning regime included in the Hybrid Bill has not been complied with. Scheduled work 1/17, are not described or assessed in the environmental statement and therefore a separate Environmental Impact Assessment on both construction and operation is required as part of any planning process. The environmental assessment of noise is wholly inadequate. The application under Schedule 17 does not include other aspects of environmental impacts such as air quality or on community. Further the Environmental Impacts must be consulted on, and given they have not been described this has also not taken place. s20 of the Hybrid Bill has not been complied with and this application must be rejected since it is not within the powers of the Local Authority to waive the requirements. They also have an obligation to protect the rights of residents, which would be impacted if the application was approved.

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2020/1686/HS2	Richard Simpson for Primrose Hill CAAC	26/06/2020 15:41:56	NOBJ	<p>ADVICE from Primrose Hill Conservation Area Advisory Committee 12A Manley Street, London NW1 8LT</p> <p>17 June 2020</p> <p>Railway Sidings NE Gloucester Avenue NW1 7AU 2020/1686/HS2 Bringing into use of railway sidings (HS2 Act)</p> <p>No objection, subject to the use of the sidings remaining as set out in this application.</p> <p>Richard Simpson FSA Chair</p>
